

IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN
DISTRICT OF OHIO EASTERN
DIVISION

UNITED STATES OF AMERICA,

Plaintiff,) CASE NO: 17-cr-364
v.)
Judge Dan Aaron Polster
JESUS BEY,) OPINION AND ORDER
Defendant.)

MEMORANDUM

Before the Court is Defendant Jesus Bey's Motion for Release and Motion to Extend Haring to Consider Transfer of Defendant's Supervised Release, Doc #: 103. For the following reasons, Bey's Motion, **Doc #: 103**, is **DENIED**.

BACKGROUND

On July 19, 2018, Bey was found guilty of possession of ammunition by a convicted felon in violation of 18 U.S.C. § 922(g)(1). Doc #: 43 at 1. He was sentenced to 28 months custody of the Bureau of Prisons with credit for time served and 3 years supervised release. Doc #: 88. He was placed on supervised release beginning August 26, 2019. Since then, Bey committed the following supervised release violations: (1) testing positive for Amphetamines and Methamphetamine; (2) driving of a vehicle in which a firearm was recovered by law enforcement; (3) associating with a convicted felon; and (4) being cited for driving under suspension. Doc #: 97 at 1.

Bey was arrested on January 16, 2020 as a result of these violations. Doc #: 96. The Court ordered that he be detained pending a final revocation hearing. Doc #: 101. The hearing is scheduled for May 12, 2020. Doc #: 102.

ANALYSIS

Bey now requests that he be released from detention. Doc #: 103. A court must order a person awaiting a supervised release violations hearing be detained unless the court finds “by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released . . .” on bond or conditions. Fed R. Crim. P. 32.1(a)(6); 18 U.S.C. § 3143(a)(1). The defendant bears the burden of making this showing. Fed. R. Crim. P. 32.1(a)(6).

In temporarily revoking Bey’s supervised release, this Court already determined that Bey is a danger to the community due to his use of drugs, association with a known felon, and being in a car with a firearm. Bey makes no attempt to change this conclusion.

Instead, Bey requests that he be released solely because of COVID-19. Doc #: 103 at 1. In support of his need for release, Bey attached news reports describing COVID-19 outbreaks in prisons. Doc #: 103-1. However, the presence of COVID-19 does not change this Court’s conclusion that Bey is a danger to the community. Moreover, The Northeast Ohio Correctional Center (“NOCC”), where Bey is housed, has no confirmed COVID-19 cases. Doc #: 104 at 2. And both the NOCC and the U.S. Marshals Service have implemented proper precautions. Doc #: 104 at 4-7. Thus, Bey is not entitled to release.

CONCLUSION

Accordingly, Bey's Motion for Release, **Doc #: 103**, is **DENIED**. Furthermore, as Bey is not entitled to release, his Motion to Extend Hearing to Consider Transfer of Defendant's Supervised Release, **Doc #: 103**, is **DENIED AS MOOT**.

IT IS SO ORDERED.

/s/ *Dan Aaron Polster April 14, 2020*
Dan Aaron Polster
United States District Judge